

1 ROD DANIELSON, Chapter 13 Trustee  
2 Bridget Kelly, 256197  
3 3787 University Avenue  
4 Riverside, CA 92501  
5 (951) 826-8000 FAX (951) 826-8090  
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9 UNITED STATES BANKRUPTCY COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11 RIVERSIDE DIVISION

12		)	Case No.: 6:23-bk-10960-WJ
13	IN RE:	)	
14		)	Chapter 13
15	JARED HUNTER SCARTH,	)	CHAPTER 13 TRUSTEE'S MOTION TO
16		)	DISMISS AND OBJECTION TO PLAN
17	Debtor(s).	)	CONFIRMATION
18		)	
19		)	<u>Confirmation Hearing</u>
20		)	Date: May 31, 2023
21		)	Time: 3:30 PM
22		)	Courtroom: 304

23 In accordance with the Scheduling Order entered on March 27, 2023, the Chapter 13  
24 Trustee hereby moves for an order dismissing this case. Any opposition to this motion must  
25 be filed per the deadline set forth in the Scheduling Order. Failure to comply with these  
provisions may result in dismissal of the case.

Dismissal is requested pursuant to 11 U.S.C. § 1307(c)(1) for unreasonable delay for  
failure to file the Secured Debt Payment History Declaration ("SDPHD"). Per the Scheduling  
Order, counsel for the debtor was instructed to file a SDPHD no later than May 10, 2023. As

1 of today's date, no such declaration has been filed. Additionally, the motion to avoid the  
2 judicial lien has not been resolved.

3 For all the foregoing reasons, the Chapter 13 Trustee objects to confirmation of the  
4 plan and requests the case be dismissed.

5  
6 Dated: May 17, 2023

  
7 ROD DANIELSON, Chapter 13 Standing Trustee

**DECLARATION OF BRIDGET KELLY**

I, BRIDGET KELLY, declare as follows:

1. I am an attorney licensed by the State of California to practice law. I am a Staff Attorney for Rod Danielson, Chapter 13 Standing Trustee for the Riverside Division of the United States Bankruptcy Court for the Central District of California. I am admitted to practice before the District Court for the Central District of California.

2. I have personally reviewed the files, records, and documents in this case and I am familiar with the facts contained in those documents. If called as a witness, I could and would be able to testify as to the facts contained therein.

3. Counsel failed to file the required declaration pursuant to the Scheduling Order.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed by me at Riverside, California.

DATED: March 8, 2023



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Bridget Kelly

In re: **JARED HUNTER SCARTH**

Debtor(s)

**Chapter: 13**

Case Number: **6:23-bk-10960-WJ**

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3787 University Avenue, Riverside, CA 92501.

A true and correct copy of the foregoing document entitled: **CHAPTER 13 TRUSTEE'S MOTION TO DISMISS AND OBJECTION TO PLAN CONFIRMATION** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Orders LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On

\_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service Information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On **5/17/2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing

Debtor

JARED HUNTER SCARTH  
31222 MANGROVE DR  
TEMECULA, CA 92592-4176

Attorney for Debtor

NEXUS BANKRUPTCY  
100 BAYVIEW CIRCLE, STE  
100  
NEWPORT BEACH, CA  
92660

☐ Service Information continued on attached pag

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on **05/17/2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here

HONORABLE WAYNE E.  
JOHNSON  
3420 TWELFTH STREET  
COURTROOM 304  
RIVERSIDE, CA 92501-3819

☐ Service Information continued on attached pag

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and corre

5/17/2023

Date

Susan Jones

Printed Name

  
Signature